

**FILED**

**SEP 20 2005**

**RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
PATRICK COOK,  
Defendant.

Criminal Number: CR 05-0492 MHP

**STIPULATION AND ~~PROPOSED~~  
ORDER REGARDING WAIVER AND  
EXCLUSION OF TIME**

On Monday, September 19, 2005, the parties are scheduled to appear before the Court for a status hearing and/or possible change of plea. The parties now jointly request that this case be continued to Monday, October 3, 2005. The parties have recently met and conferred and the government has requested additional information from the defense, that it believes will help the parties resolve this cases. The defense requires additional time to gather the information, and once provided, the government will need additional time to investigate and evaluate the information.

The parties jointly request that the case be continued to Monday, October 3, 2005 for possible change of plea. The parties further request that the period from September 19, 2005 through and including October 3, 2005 be excluded from the calculation of time under the Speedy Trial Act.

ORDER  
CR 05-0492 MHP

E-filing

In light of the foregoing reasons, the failure to grant the requested exclusion would unreasonably deny counsel for both the defense and the government with the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). In addition, the ends of justice would be served by the Court excluding the proposed time period; these ends outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. §§ 3161(h)(8)(A), (B)(iv).

With the consent of the parties, the period from September 19, 2005 through and including October 3, 2005, shall be excluded from the Speedy Trial Act calculation under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

SO STIPULATED.

DATED:

LIDIA STIGLICH  
Attorney for the Defendant

DATED: 9/14/05

Alexis Hunter  
ALEXIS HUNTER  
Assistant United States Attorney

PURSUANT TO STIPULATION, IT IS SO ORDERED.

+ attached signature

DATED:

9/15/05

MARILYN HALL PATEL  
UNITED STATES DISTRICT JUDGE

1 In light of the foregoing reasons, the failure to grant the requested exclusion would  
2 unreasonably deny counsel for both the defense and the government with the reasonable time  
3 necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C.  
4 § 3161(h)(8)(B)(iv). In addition, the ends of justice would be served by the Court excluding the  
5 proposed time period; these ends outweigh the best interest of the public and the defendant in a  
6 speedy trial. 18 U.S.C. §§ 3161(h)(8)(A), (B)(iv).

7 With the consent of the parties, the period from September 19, 2005 through and  
8 including October 3, 2005, shall be excluded from the Speedy Trial Act calculation under 18  
9 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

10 SO STIPULATED.

11 DATED: 9/14/05

  
LIDIA STIGLICH  
Attorney for the Defendant

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14 DATED: 9/14/05

  
ALEXIS HUNTER  
Assistant United States Attorney

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17 PURSUANT TO STIPULATION, IT IS SO ORDERED.

18  
19 DATED:

MARILYN HALL PATEL  
UNITED STATES DISTRICT JUDGE

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ORDER  
CR 05-0492 MHP